

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MELONY J. CURRIER DIETRICH a.k.a.
MELONY J. CURRIER a.k.a.,
MELONY CURRIER DIETRICH a.k.a.
MELONY DIETRICH

175 s Lake Avenue Apt 312
Pasadena, CA 91101

Registered Nurse License No. 556016

Respondent

Case No. 2008-245
OAH No. L2007070855

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 24, 2008

IT IS SO ORDERED March 24, 2008



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 MELONY J. CURRIER DIETRICH a.k.a.,
13 MELONY J. CURRIER a.k.a.,
14 MELONY CURRIER DIETRICH a.k.a.,
MELONY DIETRICH

15 175 Oak Knoll Avenue
Pasadena, CA 91101

16 Registered Nurse License No. 556016

17 Respondent.

Case No. 2007-245
OAH No. L2007070855

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N (Complainant) is the Executive Officer of
23 the Board of Registered Nursing (Board). She brought this action solely in her official capacity
24 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
25 California, by Linda L. Sun, Deputy Attorney General.

26 2. Respondent Melony J. Currier Dietrich a.k.a., Melony J. Currier a.k.a.,
27 Melony Currier Dietrich a.k.a., Melony Dietrich (Respondent) is represented in this matter by
28 Donald Brown, Esq., whose address is 3848 Carson Street, Suite 206, Torrance, CA 90503.

3. On or about June 23, 1999, the Board issued Registered Nurse License No. 556016 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-245 and will expire on July 31, 2009, unless renewed.

JURISDICTION

4. Accusation No. 2007-245 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 26, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-245 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 2007-245. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 3. **Comply with the Board's Probation Program.** Respondent shall fully
2 comply with the conditions of the Probation Program established by the Board and cooperate
3 with representatives of the Board in its monitoring and investigation of the Respondent's
4 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
5 within no more than fifteen (15) days of any address change and shall at all times maintain an
6 active, current license status with the Board, including during any period of suspension.

7 Upon successful completion of probation, Respondent's license shall be fully
8 restored.

9 4. **Report in Person.** Respondent, during the period of probation, shall
10 appear in person at interviews/meetings as directed by the Board or its designated
11 representatives.

12 5. **Residency, Practice, or Licensure Outside of State.** Periods of
13 residency or practice as a registered nurse outside of California shall not apply toward a reduction
14 of this probation time period. Respondent's probation is tolled, if and when she resides outside
15 of California. Respondent must provide written notice to the Board within fifteen (15) days of
16 any change of residency or practice outside the state, and within thirty (30) days prior to re-
17 establishing residency or returning to practice in this state.

18 Respondent shall provide a list of all states and territories where she has ever been
19 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
20 provide information regarding the status of each license and any changes in such license status
21 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
22 new nursing license during the term of probation.

23 6. **Submit Written Reports.** Respondent, during the period of probation,
24 shall submit or cause to be submitted such written reports/declarations and verification of actions
25 under penalty of perjury, as required by the Board. These reports/declarations shall contain
26 statements relative to Respondent's compliance with all the conditions of the Board's Probation
27 Program. Respondent shall immediately execute all release of information forms as may be
28 required by the Board or its representatives.

1 Respondent shall provide a copy of this Decision to the nursing regulatory agency
2 in every state and territory in which she has a registered nurse license.

3 7. **Function as a Registered Nurse.** Respondent, during the period of
4 probation, shall engage in the practice of registered nursing in California for a minimum of
5 twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

6 For purposes of compliance with the section, "engage in the practice of registered
7 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
8 work in any non-direct patient care position that requires licensure as a registered nurse.

9 The Board may require that advanced practice nurses engage in advanced practice
10 nursing for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as
11 determined by the Board.

12 If Respondent has not complied with this condition during the probationary term,
13 and Respondent has presented sufficient documentation of her good faith efforts to comply with
14 this condition, and if no other conditions have been violated, the Board, in its discretion, may
15 grant an extension of Respondent's probation period up to one year without further hearing in
16 order to comply with this condition. During the one year extension, all original conditions of
17 probation shall apply.

18 8. **Employment Approval and Reporting Requirements.** Respondent
19 shall obtain prior approval from the Board before commencing or continuing any employment,
20 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
21 performance evaluations and other employment related reports as a registered nurse upon request
22 of the Board.

23 Respondent shall provide a copy of this Decision to her employer and immediate
24 supervisors prior to commencement of any nursing or other health care related employment.

25 In addition to the above, Respondent shall notify the Board in writing within
26 seventy-two (72) hours after he obtains any nursing or other health care related employment.
27 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
28 terminated or separated, regardless of cause, from any nursing, or other health care related

1 employment with a full explanation of the circumstances surrounding the termination or
2 separation.

3 **9. Supervision.** Respondent shall obtain prior approval from the Board
4 regarding Respondent's level of supervision and/or collaboration before commencing or
5 continuing any employment as a registered nurse, or education and training that includes patient
6 care.

7 Respondent shall practice only under the direct supervision of a registered nurse
8 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
9 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
10 are approved.

11 Respondent's level of supervision and/or collaboration may include, but is not
12 limited to the following:

13 (a) Maximum - The individual providing supervision and/or collaboration is
14 present in the patient care area or in any other work setting at all times.

15 (b) Moderate - The individual providing supervision and/or collaboration is in
16 the patient care unit or in any other work setting at least half the hours Respondent works.

17 (c) Minimum - The individual providing supervision and/or collaboration has
18 person-to-person communication with Respondent at least twice during each shift worked.

19 (d) Home Health Care - If Respondent is approved to work in the home health
20 care setting, the individual providing supervision and/or collaboration shall have person-to-
21 person communication with Respondent as required by the Board each work day. Respondent
22 shall maintain telephone or other telecommunication contact with the individual providing
23 supervision and/or collaboration as required by the Board during each work day. The individual
24 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
25 site visits to patients' homes visited by Respondent with or without Respondent present.

26 **10. Employment Limitations.** Respondent shall not work for a nurse's
27 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
28 traveling nurse, or for an in-house nursing pool.

1 Respondent shall not work for a licensed home health agency as a visiting nurse
2 unless the registered nursing supervision and other protections for home visits have been
3 approved by the Board. Respondent shall not work in any other registered nursing occupation
4 where home visits are required.

5 Respondent shall not work in any health care setting as a supervisor of registered
6 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
7 nurses and/or unlicensed assistive personnel on a case-by-case basis.

8 Respondent shall not work as a faculty member in an approved school of nursing
9 or as an instructor in a Board approved continuing education program.

10 Respondent shall work only on a regularly assigned, identified and predetermined
11 worksite(s) and shall not work in a float capacity.

12 If Respondent is working or intends to work in excess of forty (40) hours per
13 week, the Board may request documentation to determine whether there should be restrictions on
14 the hours of work.

15 11. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
16 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
17 than six (6) months prior to the end of her probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of
20 completion for the above required course(s). The Board shall return the original documents to
21 Respondent after photocopying them for its records.

22 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
24 amount of six-thousand dollars (\$6,000.) Respondent shall be permitted to pay these costs in a
25 payment plan approved by the Board, with payments to be completed no later than three (3)
26 months prior to the end of the probation term.

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1 If Respondent has not complied with this condition during the probationary term,
2 and Respondent has presented sufficient documentation of her good faith efforts to comply with
3 this condition, and if no other conditions have been violated, the Board, in its discretion, may
4 grant an extension of Respondent's probation period up to one year without further hearing in
5 order to comply with this condition. During the one year extension, all original conditions of
6 probation will apply.

7 **13. Violation of Probation.** If Respondent violates the conditions of her
8 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
9 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
10 license.

11 If during the period of probation, an accusation or petition to revoke probation has
12 been filed against Respondent's license or the Attorney General's Office has been requested to
13 prepare an accusation or petition to revoke probation against Respondent's license, the
14 probationary period shall automatically be extended and shall not expire until the accusation or
15 petition has been acted upon by the Board.

16 **14. License Surrender.** During Respondent's term of probation, if she ceases
17 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
18 probation, Respondent may surrender her license to the Board. The Board reserves the right to
19 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
20 take any other action deemed appropriate and reasonable under the circumstances, without
21 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
22 will no longer be subject to the conditions of probation.

23 Surrender of Respondent's license shall be considered a disciplinary action and
24 shall become a part of Respondent's license history with the Board. A registered nurse whose
25 license has been surrendered may petition the Board for reinstatement no sooner than the
26 following minimum periods from the effective date of the disciplinary decision:

27 (1) Two years for reinstatement of a license that was surrendered for any
28 reason other than a mental or physical illness; or

1 (2) One year for a license surrendered for a mental or physical illness.

2 15. **Physical Examination.** Within forty-five (45) days of the effective date
3 of this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner,
4 or physician assistant, who is approved by the Board before the assessment is performed, submit
5 an assessment of the Respondent's physical condition and capability to perform the duties of a
6 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
7 medically determined, a recommended treatment program will be instituted and followed by the
8 Respondent with the physician, nurse practitioner, or physician assistant providing written
9 reports to the Board on forms provided by the Board.

10 If Respondent is determined to be unable to practice safely as a registered nurse,
11 the licensed physician, nurse practitioner, or physician assistant making this determination shall
12 immediately notify the Board and Respondent by telephone, and the Board shall request that the
13 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
14 shall immediately cease practice and shall not resume practice until notified by the Board.
15 During this period of suspension, Respondent shall not engage in any practice for which a license
16 issued by the Board is required until the Board has notified Respondent that a medical
17 determination permits Respondent to resume practice. This period of suspension will not apply
18 to the reduction of this probationary time period.

19 If Respondent fails to have the above assessment submitted to the Board within
20 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
21 practice until notified by the Board. This period of suspension will not apply to the reduction of
22 this probationary time period. The Board may waive or postpone this suspension only if
23 significant, documented evidence of mitigation is provided. Such evidence must establish good
24 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
25 provided. Only one such waiver or extension may be permitted.

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1 **16. Participate in Treatment/Rehabilitation Program for Chemical**
2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six (6) months duration. As required,
5 reports shall be submitted by the program on forms provided by the Board. If Respondent has
6 not completed a Board-approved treatment/rehabilitation program prior to commencement of
7 probation, Respondent, within forty-five (45) days from the effective date of the decision, shall
8 be enrolled in a program. If a program is not successfully completed within the first nine (9)
9 months of probation, the Board shall consider Respondent in violation of probation.

10 Based on Board recommendation, each week Respondent shall be required to
11 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
12 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
13 by the Board. If a nurse support group is not available, an additional 12-step meeting or
14 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
15 such attendance to the Board during the entire period of probation. Respondent shall continue
16 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
17 mental health examiner and/or other ongoing recovery groups.

18 **17. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
21 the same are ordered by a health care professional legally authorized to do so as part of
22 documented medical treatment. Respondent shall have sent to the Board, in writing and within
23 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
24 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
25 medication will no longer be required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 **18. Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when she is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.
24 This period of suspension will not apply to the reduction of this probationary time period.

25 If Respondent fails to participate in a random, biological fluid testing or drug
26 screening program within the specified time frame, Respondent shall immediately cease practice
27 and shall not resume practice until notified by the Board. After taking into account documented
28 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the

1 Board may suspend Respondent from practice pending the final decision on the petition to
2 revoke probation or the accusation. This period of suspension will not apply to the reduction of
3 this probationary time period.

4 19. **Mental Health Examination.** Respondent shall, within forty-five (45)
5 days of the effective date of this Decision, have a mental health examination including
6 psychological testing as appropriate to determine her capability to perform the duties of a
7 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
8 licensed mental health practitioner approved by the Board. The examining mental health
9 practitioner will submit a written report of that assessment and recommendations to the Board.
10 All costs are the responsibility of Respondent. Recommendations for treatment, therapy or
11 counseling made as a result of the mental health examination will be instituted and followed by
12 Respondent.

13 If Respondent is determined to be unable to practice safely as a registered nurse,
14 the licensed mental health care practitioner making this determination shall immediately notify
15 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
17 practice and may not resume practice until notified by the Board. During this period of
18 suspension, Respondent shall not engage in any practice for which a license issued by the Board
19 is required, until the Board has notified Respondent that a mental health determination permits
20 Respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within
23 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
24 practice until notified by the Board. This period of suspension will not apply to the reduction of
25 this probationary time period. The Board may waive or postpone this suspension only if
26 significant, documented evidence of mitigation is provided. Such evidence must establish good
27 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
28 provided. Only one such waiver or extension may be permitted.

20. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

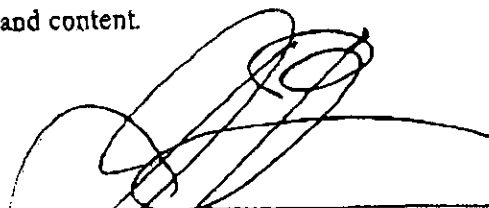
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Donald Brown. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 17 DEC 2007.


MELONY J. CURRIER DIETRICH
Respondent

I have read and fully discussed with Respondent Melony J. Currier Dietrich the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: DEC 17 2007.


DONALD BROWN
Attorney for Respondent

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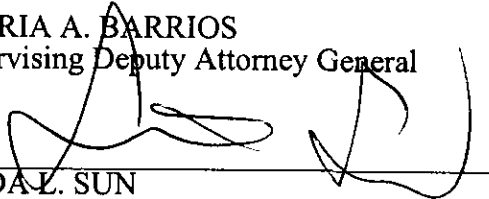
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Registered Nursing.

DATED: 12-17-07

EDMUND G. BROWN JR., Attorney General
of the State of California

GLORIA A. BARRIOS
Supervising Deputy Attorney General


LINDA L. SUN
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006600846
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Exhibit A
Accusation No. 2007-245

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
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Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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MELONY J. CURRIER a.k.a.,
14 MELONY CURRIER DIETRICH a.k.a.,
MELONY DIETRICH

ACCUSATION

15 175 Oak Knoll Avenue
Pasadena, CA 91101

16 Registered Nurse License No. 556016

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs (Board).

24 2. On or about June 23, 1999, the Board issued Registered Nurse License
25 No. 556016 to Melony J. Currier Dietrich a.k.a.; Melony J. Currier a.k.a., Melony Currier
26 Dietrich a.k.a., Melony Dietrich (Respondent). The Registered Nurse License was in full force
27 and effect at all times relevant to the charges brought herein and will expire on July 31, 2007,
28 unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(h) Impersonating another certified or licensed practitioner, or permitting or allowing another person to use his or her certificate or license for the purpose of nursing the sick or afflicted.

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

7. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
3 or administer to another, any controlled substances as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 "(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 "(c) Be convicted of a criminal offense involving the prescription, consumption,
13 or self-administration of any of the substances described in subdivisions (a) and (b) of this
14 section, or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof.

17 "(d) Be committed or confined by a court of competent jurisdiction for
18 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
19 and (b) of this section, in which event the court order of commitment or confinement is prima
20 facie evidence of such commitment or confinement."

21 8. Section 490 states:

22 "A board may suspend or revoke a license on the ground that the licensee has been
23 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the license was issued. A conviction within the meaning
25 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
26 contendere. Any action which a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code."

3 9. California Code of Regulations, title 16, section 1444, states:

4 "A conviction or act shall be considered to be substantially related to the
5 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
6 present or potential unfitness of a registered nurse to practice in a manner consistent with the
7 public health, safety, or welfare."

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

13 11. **Diprivan**, brand name for Propofol, is a sedative-hypnotic agent for use in
14 the induction and maintenance of anesthesia or sedation. It is a dangerous drug as defined under
15 Business and Professions Code section 4022.

16 12. **Ativan**, brand name for Lorazepam, is a benzodiazepine which causes
17 sedation and drowsiness before certain medical procedures and for treatment of certain types of
18 seizures. It is a dangerous drug as defined under Business and Professions Code section 4022.

19 13. **Demerol**, brand name for Meperidine Hydrochloride, a derivative of the
20 narcotic substance pethidine, is a Schedule II controlled substance as designated by Health and
21 Safety Code section 11055(c)(17) and is categorized as a dangerous drug under Business and
22 Professions Code section 4022.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Convictions of Substantially Related Crimes)**

25 14. Respondent is subject to disciplinary action under sections 2570, 2761,
26 subdivision (f), and 490, in conjunction with California Code of Regulations, title 14, section
27 1444, in that Respondent was convicted of crimes substantially related to the qualifications,
28 functions, or duties of a registered nurse. The circumstances are as follows:

1 a. On or about February 21, 2007, in a criminal proceeding entitled *The*
2 *People of the State of California v. Melony Dietrich* before the Los Angeles Superior Court,
3 Burbank District, Respondent was convicted on a plea of nolo contendere of violating Penal
4 Code section 664-459 (attempted burglary), a misdemeanor. The Court ordered Respondent to
5 serve jail time, complete a drug abuse counseling program among others.

6 The circumstances surrounding the conviction are that on or about October 16,
7 2006, Respondent attempted to steal bottles of Diprivan from the Saint Joseph Medical Center in
8 Burbank by impersonating as a hospital employee asking for "floor stock" for "day surgery".
9 Upon being escorted to the Day Surgery Unit to confirm the request, Respondent fled the scene.
10 On or about October 26, 2006, upon her arrest at her house, Respondent admitted that she
11 attempted to obtain Diprivan for her own use.

12 b. On or about January 16, 2007, in a criminal proceeding entitled *The*
13 *People of the State of California v. Melony Deitrich* before the Los Angeles Superior Court,
14 Glendale District, in Case No. 6GN05728, Respondent was convicted on a plea of nolo
15 contendere of violating Penal Code section 459 (burglary), a misdemeanor. The Court ordered
16 Respondent to serve 1 day in jail, complete a 90-day out-patient drug abuse counseling program
17 among others.

18 The circumstances surrounding the conviction are that on or about October 16,
19 2006, Respondent stole 2 cases of Propofol from the Verdugo Hills Hospital pharmacy in
20 Glendale, by impersonating as a hospital employee to restock the operation room. On or about
21 October 18, 2006, Respondent was apprehended when she attempted to steal additional Propofol
22 from the Verdugo Hills Hospital a second time.

23 c. On or about August 22, 2005, in a criminal proceeding entitled *The People*
24 *of the State of California v. Melony Currier Dietrich* before the Los Angeles Superior Court,
25 Alhambra District, in Case No. 5AL01458, Respondent was convicted on a plea of nolo
26 contendere of violating Penal Code section 459 (burglary), a misdemeanor. The Court ordered
27 Respondent to serve 1 day in jail, complete the Casa de las Amigas Live-in Program and a six-
28 month out-patient counseling program among others.

1 The circumstances surrounding the conviction are that on or about April 18, 2005,
2 Respondent attempted to steal Diprivan from the San Gabriel Valley Medical Center by
3 impersonating as a hospital employee. Upon her arrest, Respondent admitted she needed
4 Diprivan "to get high".

5 d. On or about December 7, 2001, in a criminal proceeding entitled *The*
6 *People of the State of California v. Melony Currier Dietrich* before the Municipal Court of
7 California, in Case No. 1BU3406, Respondent was convicted of violating Penal Code section
8 484 (A) (theft of property), a misdemeanor.

9 The circumstances surrounding the conviction are that on or about November 21,
10 2001, while employed as a registered nurse at Planned Parenthood Los Angeles, Van Nuys
11 Center, Respondent was found collapsed in the bathroom injecting Propofol. She had in her
12 possession syringes, needles and several bottles of used and unopened Propofol.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Dangerous Use of Drugs)**

15 15. Respondent is subject to disciplinary action under sections 2750 and 2762,
16 subdivision (b), on the grounds of unprofessional conduct, in that Respondent used dangerous
17 drugs to an extent or in a manner dangerous or injurious to herself and to the extent that such use
18 impairs her ability to conduct with safety to the public the practice authorized by her license.
19 The circumstances are as set forth above in paragraph 14 and below:

20 a. On or about September 8, 2006, while employed as a registered nurse at
21 the Starpoint Surgery Center in Studio City, Respondent diverted Diprivan and used it during
22 work. The staff noticed Respondent was impaired and escorted her to retrieve her blood and
23 urine samples. While in the restroom, Respondent self-administered two more vials of Diprivan.

24 b. On or about May 16, 2005, after having accepted a nursing position at the
25 Queen of Angeles Hospital (currently renamed as Hollywood Presbyterian) and having worked
26 there as an orientee for three days, Respondent used Diprivan in her car in the parking lot at the
27 Queen of Angeles Hospital. She was discovered impaired when her car stalled.

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1 c. On or about February 17, 2005, while enrolled in the Board's Diversion
2 Program, Respondent was tested positive for Benzodiazepines (Ativan).

3 d. On or about December 2, 2003, while employed as a registered nurse at
4 the San Gabriel Valley Medical Center, Respondent diverted 6 vials of Diprivan from the
5 hospital's pharmacy and was placed on immediate suspension.

6 e. On or about November 8, 2001, while employed as a registered nurse at
7 the Saint Joseph Medical Center in Burbank, Respondent was arrested for stealing Demerol.
8 Respondent admitted to her superiors she had been taking 100mg to 200 mg of Demerol IV.
9 Respondent was placed on administrative leave. While on leave, on or about November 23,
10 2001, Respondent stole several bottles of Diprivan by wearing her hospital badge to pick up
11 Diprivan for the Day Surgery Unit.

12 f. From about August 2001 to November 2001, Respondent admitted to
13 diverting Demerol 50mg and Diprivan 50mg from her work place for her own personal use
14 everyday.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Impersonation of a Licensed Practitioner)**

17 16. Respondent is subject to disciplinary action under sections 2750 and 2761,
18 subdivision (h), in that Respondent impersonated a licensed nurse and/or hospital employee
19 when she committed the burglaries and attempted burglaries at the Verdugo Hills Hospital, the
20 San Gabriel Valley Medical Center and the Saint Joseph Medical Center. The allegations are as
21 described in paragraphs 14 and 15 above, and incorporated herein as if fully set forth.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Obtain/Possess/Self-Administer Drugs in Violation of Law)**

24 17. Respondent is subject to disciplinary action under sections 2750 and 2762,
25 subdivision (a), on the grounds of unprofessional conduct, in that Respondent obtained,
26 possessed, and/or self-administered controlled substances and dangerous drugs in violation of
27 law. The allegations are as described in paragraphs 14 and 15 above, and incorporated herein as
28 if fully set forth.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 556016, issued to Melony J. Currier Dietrich a.k.a., Melony J. Currier a.k.a., Melony Currier Dietrich a.k.a., Melony Dietrich.

2. Ordering Melony J. Currier Dietrich a.k.a., Melony J. Currier a.k.a., Melony Currier Dietrich a.k.a., Melony Dietrich to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/26/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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